

MEMORANDUM OF LAW

DATE: April 6, 1987

TO: Milon Mills, Jr., Assistant Water Utilities  
Director

FROM: City Attorney

SUBJECT: Sewer Revenue Funds

You asked for priority in responding to the question whether sewer revenue funds can be expended for the Mission Bay Sewage Interceptor System.

We believe this question can be answered in the affirmative under the conclusions set out in our April 5, 1982 Memorandum of Law hereto attached. In constructing an interceptor system, we believe this positive conclusion is even more compelling since Section 64.0403 of the San Diego Municipal Code reads:

SEC. 64.0403 SEWER REVENUE FUND ESTABLISHED

(a) There is hereby created a "Sewer Revenue Fund." All revenues derived from the operation of the wastewater system shall be paid into the Sewer Revenue Fund.

(b) All revenues shall be used for the following purposes only:

1. Paying the cost of maintenance and operation of the City's wastewater system.
2. Paying all or any part of the cost and expense of extending, constructing, reconstructing, or improving the City's wastewater system or any part thereof.
3. Any purpose authorized by Section 90.2 of the City Charter.

Incorporating the purposes authorized in San Diego Charter section 90.2 and having a specific reference to "interceptor sewers" in Section 90.2, Section 64.0403(b)3 authorizes the expenditure of funds for an interceptor sewer.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

TB:js:450(x043.2)

Attachment

ML-87-36